

ESTTA Tracking number: **ESTTA583521**

Filing date: **01/23/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91211312
Party	Plaintiff GrubHub, Inc
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Submission	Motion to Suspend for Settlement Discussions
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Signature	/Steven L. Baron/
Date	01/23/2014
Attachments	Consent Motion to Extend Period of Suspension 1-23-14.pdf(26698 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Serial No.: 85/820,352

For the Mark: GURUHUB

Filed: January 10, 2013

Date of Publication: May 28, 2013

GRUBHUB, INC.,)	
a Delaware corporation,)	
)	
Opposer,)	
)	Opposition No. 91211312
v.)	
)	
SO WITHIN REACH, LLC,)	
an Alabama limited liability company,)	
)	
Applicant.)	

CONSENT MOTION TO EXTEND SUSPENSION FOR SETTLEMENT

Opposer, GrubHub, Inc. (“Opposer”), and Applicant, So Within Reach, LLC’s (“Applicant”), jointly move to extend by an additional thirty days the period of suspension to allow the parties an opportunity to attempt to complete a settlement of this matter. In support of this motion, the parties state as follows:

1. On September 23, 2013, the parties conducted a telephonic discovery conference with Interlocutory Attorney, George C. Pologeorgis. During that conference, the parties advised the Board that they had been conducting bilateral settlement discussions prior to the conference and requested that the proceedings be suspended for sixty days to afford the parties time to concentrate on settlement. The Board approved this request.

2. On November 21, 2013, the parties filed a consent motion to extend the suspension for an additional sixty days to allow additional time to discuss settlement. On December 19, 2013, the Board granted the request, which re-set the schedule as follows:

a. Proceedings resume	1/24/2014
b. Initial Disclosures Due	2/24/2014
c. Expert Disclosures Due	6/23/2014
d. Discovery Closes	7/23/2014
e. Plaintiff's Pretrial Disclosures Due	9/7/2014
f. Plaintiff's 30-day Trial Period Ends	10/21/2014
g. Defendant's Pretrial Disclosures Due	11/5/2014
h. Defendant's 30-day Trial Period Ends	12/20/2014
i. Plaintiff's Rebuttal Disclosures Due	1/4/2015
j. Plaintiff's 15-day Rebuttal Period Ends	2/4/2015

3. In the intervening period, the parties have diligently pursued settlement. They have exchanged multiple drafts of a proposed settlement agreement, had several discussions regarding the agreement by telephone and believe they are close to achieving a resolution that would bring this proceeding to an end, however, they desire thirty additional days to complete discussions and settlement paperwork. Therefore, they request that the matter remain in suspension for an additional thirty days. In the event that the parties do not reach an agreement or otherwise inform the board concerning the progress of the negotiations, upon conclusion of the proposed suspension period, the parties request that the proceedings resume without further notice or order from the Board, upon the schedule below:

a. Proceedings resume	2/24/2014
b. Initial Disclosures Due	3/24/2014
c. Expert Disclosures Due	7/23/2014
d. Discovery Closes	8/23/2014

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|--|------------|
| e. Plaintiff's Pretrial Disclosures Due | 10/7/2014 |
| f. Plaintiff's 30-day Trial Period Ends | 11/21/2014 |
| g. Defendant's Pretrial Disclosures Due | 12/5/2014 |
| h. Defendant's 30-day Trial Period Ends | 1/20/2015 |
| i. Plaintiff's Rebuttal Disclosures Due | 2/4/2015 |
| j. Plaintiff's 15-day Rebuttal Period Ends | 3/4/2015 |

WHEREFORE, for the reasons set forth above, the parties request that the Board extend the suspension by an additional thirty days, to February 24, 2014, and reset the dates for the proceeding as reflected above.

Respectfully submitted,

Date: January 23, 2014

GRUBHUB, INC.

So Within Reach, LLC

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Attorneys for Opposer, GrubHub, Inc.

CERTIFICATE OF SERVICE

I hereby certify that **CONSENT MOTION TO EXTEND SUSPENSION FOR SETTLEMENT** is being filed using the Electronic System for Trademark Trials and Appeals, on this 23rd day of January, 2014.

I further certify that, by agreement of the parties, I sent the foregoing document by electronic mail to the following e-mail addresses:

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on this 23rd day of January, 2014.

/Steven L. Baron/